

October 21, 1992

Mr. R. G. Olivir
Freeport Sulphur Company
P. O. Box 61520
New Orleans, LA 70161

Dear Mr. Olivir:

We have reviewed your petition (P-92-3W) requesting a waiver from compliance with the inspection requirements of 49 CFR §192.612. The petition requests an exemption for the Freeport Pipeline traveling offshore in Grand Isle, Louisiana because: 1) the pipeline was installed in the 1960's with at least six feet of seabed cover, 2) a prior inspection of a section of the pipeline in 1987 revealed that it had 13 feet of cover, and 3) you anticipate that the pipeline will be abandoned within three to five years.

Section 192.612 implements Public Law 101-599, which was enacted to determine the extent to which pipelines in shallow waters in the Gulf of Mexico may be a hazard to fishing vessels. Section 192.612 requires that operators of such pipelines conduct an underwater inspection between October 3, 1989, and November 16, 1992. If an operator discovers a pipeline that it operates is exposed on the seabed or constitutes a hazard to navigation, it shall take prompt action as defined in §192.612 to minimize and eliminate the hazard.

We must decline to grant the waiver for the following reasons:

Firstly, given the changing nature of the Gulf, the fact that an operator installed a pipeline in the 1960's with at least six feet of seabed cover does not imply that same pipeline is not exposed or a hazard to navigation during the applicable period of the regulation. Secondly, the fact that an operator found that a particular section of the pipeline had 13 feet of cover in 1987 does not imply that no part of the pipeline is exposed or a hazard to navigation during the applicable period of the regulation.

Lastly, the fact that the operator anticipates abandonment of the pipeline within 3 to 5 years is not relevant to pipeline safety under the requirements of §192.612, because abandoned pipelines can still be a hazard to navigation if not properly buried.

Sincerely,

George W. Tenley, Jr.
Associate Administrator for
Pipeline Safety